

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 19-1306 JB
)	
LAWRENCE SALAZAR,)	
)	
Defendant.)	

UNOPPOSED MOTION TO CONTINUE TRIAL SETTING

The United States respectfully submits this unopposed motion requesting this Court to continue the trial in this matter by one month. In support of this motion, the United States submits as follows:

1. The current jury trial setting in this matter is September 3, 2019. Doc. 16.
2. The parties recently reached a plea agreement, have requested a change of plea setting, and anticipate attending a change of plea hearing imminently.
3. While the parties expect that this case will resolve through a guilty plea, should the plea unexpectedly fall through, the parties will need to resume trial preparation.
4. The negotiation of a plea agreement is a usual and appropriate use of pretrial resources. The Federal Rules of Criminal Procedure, the Speedy Trial Act, and the Federal Rules of Evidence contemplate the use of pretrial resources in an effort to settle cases without trial. *See* Fed. R. Crim. P. 11(c); 18 U.S.C. § 3161(h)(1)(G); Fed. R. Evid. 410. To permit the parties time to accomplish the change of plea and to prepare for trial should the plea fall through, the United

States requests that the Court continue the trial in this matter by one month.

Such a continuance of the trial promotes the public's interest in the efficient closure of criminal cases.

5. This is the second request for a continuance of the trial in this case.
6. The ends of justice that would be served by granting the requested continuance outweigh the best interest of the public and Defendant in a speedy trial. The unopposed continuance sought by the parties is appropriate under 18 U.S.C. § 3161(h)(7)(A), and the parties request that the time from the date of the order granting the continuance to the date of new jury trial setting be excluded for the purposes of the Speedy Trial Act. *See United States v. Toombs*, 574 F.3d 1262, 1268-69, 71-71 (10th Cir. 2009).
7. Defendant is not in custody and will be not prejudiced by a continuance of the trial setting. Furthermore, counsel for Defendant indicated that he does not oppose this motion.

WHEREFORE, the United States respectfully requests that the September 3, 2019, trial date be vacated and that the matter be re-scheduled on the Court's October trial docket.

Respectfully submitted,

JOHN C. ANDERSON
United States Attorney

Filed electronically
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I HEREBY CERTIFY that on the 21st day of August, 2019, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for Defendant to be served by electronic means.

Filed Electronically

HOLLAND S. KASTRIN

Assistant U.S. Attorney